(28)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No.6333/2007

PETITIONER Lal Sai Minj, s/o Kodaho Minj, aged about 46 years, Assistant Teacher, Middle School Putsura, Balrampur, Distt. Sarguja (C.G)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through the Secretary, Tribal Welfare Department & Education, D.K.S. Bhawan, Raipur (C.G.)
2. Collector, Surguja, Ambikapur (C.G)
3. The Assistant Commissioner, Tribal Welfare Ambikapur, Distt. Surguja (C.G).

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Bhupendra Singh, Counsel for the petitioner.

Shri Satish Gupta, Dy.Govt. Advocat, for the State/ respondents nos. 1 to 3 on advance copy.

ORAL ORDER
(02.11.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

The petitioner, who is working on the post of Assistant Teacher, has been transferred from Middle School, Putsara Balrampur to Odgi at the option of Block Education Officer, Odgi on administrative grounds. On being pointedly asked that since when the petitioner is working at Putsara Balrampur, learned counsel for the petitioner submits that the petitioner is working there since 1996.

Transfer is an incidence of service. No person working on a transferable post can claim to be posted at a particular place. It is for the employer to see that who should be posted where in the interest of better functioning of the department as also in the public interest. It is the settled view of the Apex Court that unless the order of transfer is vitiated by malafides or extraneous consideration or is against any statutory Rules or Act, the same cannot be interfered by a Court of Law

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During the course of hearing, learned counsel for the petitioner could not make out a case either of arbitrariness or of malafide or of extraneous consideration or that the transfer order is passed in violation of any statutory rules or the Act.

Therefore, I am not inclined to admit this petition for hearing. The same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

Rao